

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 8.97 RELATING
TO TENANT RELOCATION ASSISTANCE

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 8.97 is added to the Long Beach Municipal Code to
read as follows:

Chapter 8.97

TENANT RELOCATION ASSISTANCE

8.97.010 Purpose.

The purpose of this Chapter is to promote housing stability in the City
by providing for landlord-paid relocation payments and assistance to
residential tenants who are displaced by no fault of their own. Many tenants
are at risk of being displaced from their housing due to, among other things,
large increases in rent that they are unable to pay, or by substantial
rehabilitation of their unit necessitating vacation of the units and bear the full
costs of relocation themselves. This Chapter addresses these impacts by
requiring landlords of rental dwelling units in the City to provide relocation
assistance payments under certain circumstances.

8.97.020 Definitions.

The following terms, when used in this Chapter, shall have the
following respective meanings except where the context clearly indicates a

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different meaning:

A. "Days" mean calendar days.

B. "Family member" means a landlord's spouse, children, parents, grandchildren, siblings, father-in-law, mother-in-law, daughter-in-law or son-in-law provided in all cases that landlord is a natural person.

C. "Landlord" means any owner, lessor, sublessor, or any other person or entity entitled to receive rent from a tenant for the use and occupancy of a unit, or any agent, representative or successor of any of the foregoing.

D. "Property" means the legal lot(s) and improvements thereon owned by a landlord of which a unit is a part.

E. "Rehabilitation" means work to be performed in a unit after a tenant vacates which would reasonably render such unit unfit for occupation.

F. "Rent" means the amount of fixed periodic compensation paid by a tenant to a landlord, not including fees for ancillary services such as additional storage, parking or pet deposits.

G. "Tenant" means any tenant, subtenant, lessee, sublessee, or any other person actually occupying a unit by a written or oral agreement and regardless of whether such unit was created or established in violation of any provision of law.

H. "Tenant in good standing" means any tenant that has (1) lived in the subject unit for a period of more than one (1) year, (2) is current in the payment of rent and is not otherwise in violation of the lease as of the date tenant receives notice under Section 8.97.030.B and as of the date relocation payments are due, and (3) has not during his/her tenancy (a) materially damaged the unit or the property without compensating landlord for such damage, (b) substantially interfered with other tenants at the

1 property, (c) committed domestic violence or sexual assault against, or
2 stalked another tenant in the unit and the victim has terminated his/her
3 tenancy, and (d) used the unit or the property for an unlawful purpose.

4 I. "Unit" means any dwelling unit located within a residential
5 housing building in the City of Long Beach which consists of at least four (4)
6 total residential dwelling units.

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8 8.97.030 Relocation assistance payments.

9 A. Landlord shall make a relocation payment to a tenant in an
10 amount equal to two months of the respective payment standard by number
11 of bedrooms averaged across all Long Beach zip codes in the then-current
12 Payment Standards / Small Area Fair Market Rents published by the
13 Housing Authority of the City of Long Beach as the same may be updated
14 from time to time, provided that in no case shall any relocation payment
15 exceed Four Thousand Five Hundred Dollars (\$4,500). Relocation
16 payments under this Chapter shall be limited to one payment per unit,
17 regardless of the number of landlords or tenants for such unit.

18 B. The relocation payment provided for in subsection (A) above
19 shall be triggered if any of the following circumstances occur:

20 1. Tenant receives a notice or notices of a rent increase
21 for the same unit which totals ten percent (10%) or more in any twelve (12)
22 consecutive month period, and tenant does not thereafter provide landlord
23 with written notice of its intent to stay in the unit at the increased rent within
24 fourteen (14) days after receipt of the subject rent increase notice.

25 2. Tenant receives a notice to terminate tenancy from
26 landlord due to landlord's rehabilitation of tenant's unit.

27 3. Tenant in good standing receives a notice of non-
28 renewal or notice to vacate from landlord.

1 C. If a relocation payment is triggered under Section
2 8.97.030.B.1, then landlord may deduct any past due rent currently owed by
3 tenant from such relocation payment and shall pay one-half of the
4 relocation payment no later than twenty-four (24) days following receipt of
5 notice by tenant and one-half of the relocation payment no later than five (5)
6 days after tenant has vacated the unit. If a relocation payment is triggered
7 under Section 8.97.030.B.2, then landlord may deduct any past due rent
8 currently owed by tenant from such relocation payment and shall pay one-
9 half of the relocation payment no later than ten (10) days following receipt
10 of notice by tenant and one-half of the relocation payment no later than five
11 (5) days after tenant has vacated the unit. If a relocation payment is
12 triggered under Section 8.97.030.B.3, then landlord shall pay one-half of the
13 relocation payment no later than ten (10) days following receipt of notice by
14 tenant and one-half of the relocation payment no later than five (5) days
15 after tenant has vacated the unit. If tenant fails to voluntarily vacate the unit
16 after a partial or full relocation payment, tenant shall reimburse landlord
17 such relocation payment.

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19 8.97.040 Exemptions.

20 The provisions of this Chapter shall not apply under any of the
21 following circumstances:

22 A. Landlord seeks to recover possession of the unit for the sole
23 purpose of making the unit available for occupancy by (1) landlord, if
24 landlord is a natural person, or (2) a family member of landlord, and such
25 unit is actually thereafter occupied by landlord or a family member.

26 B. Landlord seeks to recover possession of the unit in order to
27 comply with a governmental agency's order to vacate the building housing
28 the unit due to a natural disaster or other act of God.

1 C. The unit is subject to recorded rental affordability restrictions.

2 D. Landlord is a natural person and occupies a unit as landlord's
3 primary residence in the same building as tenant's unit.

4 E. Landlord owns only one (1) residential rental housing building
5 in the City of Long Beach, and that building consists of exactly four (4)
6 units.

7 F. The unit received its certificate of occupancy after February 1,
8 1995.

9 G. Nothing in this Chapter relieves landlord from the obligation to
10 provide relocation assistance pursuant to any other provision of local, state
11 or federal law, provided however that if a landlord is so obligated to make
12 such payments to tenant then such relocation assistance shall operate as a
13 credit against relocation payments required to be made by landlord to
14 tenant under this Chapter.

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16 8.97.050 Information distribution and reporting requirements.

17 A. Within thirty (30) days after the effective date of this Chapter,
18 Landlords shall provide to all existing tenants a one-page information sheet
19 on a form prepared by City which, among other things, outlines the
20 provisions of this Chapter. Upon execution by tenants of leases after the
21 effective date of this Chapter, Landlords shall provide such information
22 sheet to tenants and shall include the following, as its own section, in each
23 new lease or addendum thereto:

24 "Tenant Relocation Payments. You may be eligible to receive
25 relocation payments upon expiration or other termination of your
26 tenancy under this Lease in accordance with Section 8.97 of the
27 Long Beach Municipal Code."

28 B. Landlords shall notify City prior to causing an entire residential

1 housing building to be vacated and landlords shall annually report all
2 completed relocation payments to City on a form to be provided by City.

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4 8.97.060 Remedies.

5 A. Any landlord or tenant who fails to comply with the provisions
6 of this Chapter, including without limitation failure to make or reimburse
7 relocation payments, shall be liable in a civil action to the tenant or the
8 landlord to whom such assistance is due for damages in the amount of the
9 unpaid relocation payment, a civil penalty in the amount of one thousand
10 dollars (\$1,000), and/or reasonable attorney's fees and costs as determined
11 by the court. A tenant or landlord may enforce the provisions of this
12 Chapter by means of a civil action.

13 B. Failure of landlord to make a relocation payment as required
14 hereunder shall provide tenant with an affirmative defense in any legal
15 action brought by landlord to recover possession of the unit.

16 C. No landlord shall attempt to secure from tenant any waiver of
17 any provision of this Chapter. Any agreement, whether written or oral,
18 whereby any provision of this Chapter is waived, shall be deemed against
19 public policy and shall be void. Notwithstanding the foregoing, a landlord
20 and tenant may mutually agree upon terms and conditions of an alternate or
21 reduced relocation payment provided that landlord has first provided tenant
22 with written notice of the relocation payment to which tenant would
23 otherwise be provided hereunder.

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25 8.97.070 Effectiveness.

26 This Chapter shall be effective on and after August 1, 2019.
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1 Section 2. If any section, subsection, sentence, clause or phrase of this
2 ordinance is for any reason held to be invalid or unconstitutional, such decision shall not
3 affect the validity or constitutionality of the remaining portions of this ordinance. The City
4 Council hereby declares that it would have passed this ordinance and each section,
5 subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or
6 more sections, subsections, sentences, clauses or phrases be declared invalid or
7 unconstitutional.

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9 Section 3. The City Council finds the introduction and adoption of this
10 ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to
11 Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable
12 indirect physical change in the environment) and 15060(c)(3) (the activity is not a project
13 as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations,
14 Title 14, Chapter 3, because it has no potential for resulting in physical change to the
15 environment, directly or indirectly.

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17 Section 4. Except as expressly modified in this ordinance, all other
18 sections, subsections, sentences, clauses or phrases set forth in the Long Beach
19 Municipal Code shall remain unchanged and shall be in full force and effect.

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21 Section 5. The City Clerk shall certify to the passage of this ordinance by
22 the City Council and cause it to be posted in three (3) conspicuous places in the City of
23 Long Beach, and it shall take effect on August 1, 2019.

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor